HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.34492 of 1997

Dated 23th Day of February, 2007

Between:

Battu Nagamma and 11 others .. Petitioners

And

The Government of Andhra Pradesh
rep. by its Principal Secretary,
Secretariat, Hyderabad
and two others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of respondents in not paying compensation in respect of the petitioners' land, which was acquired, to the credit of O.P.No.24 of 1989 on the file of Sub-Judge, Miryalaguda, as arbitrary and illegal, and consequently direct them to pay the determined compensation.

The brief facts of the case are that the respondents took advance possession of the petitioners' land on 10.10.1980 and Notice under Section 4(1) of the Land Acquisition Act was published in Gazette on 8.1.1981. The Land Acquisition Officer passed an award on 20.3.1982 awarding Rs.1270/- per acre and the matter was referred to Sub-Court as O.P.No.24 of 1989. The reference Court i.e. Sub-Court, Miryalaguda, by its judgment dated 20.3.1991, enhanced the compensation at the rate of Rs.20,000/- per acre. Now, the grievance of the petitioners is that the respondents, though took possession of their lands, are not paying the compensation fixed by the learned Sub-Judge, Miryalaguda.

Heard the learned counsel for both the parties.

This Court, on 20.8.1998, while ordering Rule Nisi, passed the following order:

> *"In view of the fact that the appeal filed by the respondents also ended in dismissal as early as in the year 1996 and the properties have been taken in 1986, there shall be a direction to the respondents to pay compensation liable to be paid to the petitioners within three months"*

The learned counsel for the petitioners has submitted that in spite of said order, the respondents have not paid the compensation amount.

If really the respondents have not paid any compensation to the petitioners, the petitioners should have filed a Contempt Case against the respondents for non-compliance of order dated 20.8.1998, but as they have not moved this Court by filing Contempt Case, etc. this Court deems it appropriate to direct the respondents to pay at the rate of Rs.20,000/- per acre towards compensation, within a period of six weeks from the date of receipt of a copy of the order, if not already paid.

With the above direction, this writ petition is disposed of. No costs.

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23.02.2007

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